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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TRACY ANN NAVARRETTE,
Plaintiff,

v.

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

No. 1:21-CV-01468 (BAM)

**STIPULATION AND [PROPOSED]
ORDER FOR AWARD AND PAYMENT
OF ATTORNEYS FEES AND EXPENSES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT (28 U.S.C. §2412(d)) AND 28
U.S.C. §1920**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
2 attorneys, subject to the approval of the Court, that Tracy Ann Navarrette (“Plaintiff”) be awarded
3 attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the
4 amount of four thousand nine hundred and seventy-three dollars and eight cents (\$4,973.08) and
5 costs, in the amount of four hundred and two dollars (\$402.00), pursuant to 28 U.S.C. §1290.
6 This represents compensation for legal services rendered on behalf of Plaintiff by counsel in
7 connection with this civil action and associated costs, in accordance with 28 U.S.C. §2412 (d) and
8 28 U.S.C. §1290.

9 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider
10 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*
11 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the
12 attorney fees are subject to any offset allowed under the United States Department of the
13 Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will
14 determine whether they are subject to any offset.

15 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
16 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
17 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively
18 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments
19 made shall be delivered to Plaintiff’s counsel.

20 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA
21 attorney fees and does not constitute an admission of liability on the part of Defendant under
22 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
23 and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees
24 and expenses in connection with this action.

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This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

Respectfully submitted,

Dated: July 25, 2022

NEWEL LAW

By: Melissa Newel
Melissa Newel
Attorney for Plaintiff
TRACY ANN NAVARRETTE

Dated: July 25, 2022

PHILLIP A. TALBERT
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX
Social Security Administration

By: Elizabeth Landgraf*
ELIZABETH LANDGRAF
(*Authorized by email dated 07/25/2022)
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

Based upon the parties' stipulation for the award and payment of attorneys' fees and expenses ("Stipulation"), IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d), attorney fees in the amount of **four thousand nine hundred seventy-three dollars and eight cents (\$4,973.08)** and costs in the amount of **four hundred two dollars (\$402.00)** be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: July 26, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE